

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Kelly Bryant and Hollie Bryant,

Plaintiffs,

v.

Case No. 13-CIV-240-RAW

Sagamore Insurance Company,

Defendant.

ORDER

Before the court is Defendant's Application for Attorneys Fees and Non-Taxable Costs [Docket No. 122]. Judgment was entered on April 23, 2014 granting Defendant's motion for summary judgment. In its Order dated August 28, 2014, the court granted in part the motion for attorneys fees and non-taxable costs, and directed Defendant to provide detailed time records. [Docket No. 140]. Those records have been received and filed [Docket No. 142].

In Defendant's Supplement [Docket No. 147], Defendant states "Sagamore's counsel is authorized to state that Plaintiffs stipulate to the reasonableness of Sagamore's counsels' hourly rates and amount of time spent by Sagamore's counsel." [Docket No. 147, Page 1]. Additionally, in a letter dated September 10, 2014, Defendant lowered the requested amount of attorney fees from \$80,894.00 to \$78,642.00 [Docket No. 142].

The court has determined that it has "sufficient knowledge to make a decision without a hearing based on its experience with the case, and briefs and affidavits submitted by the parties." Michael A. Cramer, MAI, SRPA, Inc. v. United States, 47

F.3d 379, 383 (10th Cir. 1995).

The Tenth Circuit Court of Appeals has discussed what factors a court should consider when calculating a reasonable attorney fee. Those four factors are:

1. What attorney services were performed;
2. Which services were necessary;
3. The value of the necessary services; and,
4. What a reasonable fee for the services would be.

Gamble v. Simmons & Co. v. Kerr-McGee Corp., 175 F.3d 762, 774 (10th Cir. 1999).

The court has carefully considered these four criteria, and is familiar with the time necessary for litigation and the billing rates in this community. The court concludes that the counsels' hourly rates as well as the amount of time spent are reasonable and were necessary.

It is the order of the court that the motion of the Defendant for attorney fees [Docket No. 122] is granted. Defendant is granted reasonable attorney fees in the amount of \$78,642.00 against Plaintiffs. Further, Defendant is granted \$410.43 in non-taxable costs.

Dated this 20th day of October, 2014.

Dated this 20th day of October, 2014.

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma